

# Chapter C

## Falmouth Home Rule Charter

[**HISTORY:** Adopted by a majority of the votes cast on Question No. 3 at the 1990 Annual Town Election held 5-15-1990, effective 1-1-1991; ATM 4-3-1991; Art. 60, approved ATE 5-19-1992, Question No. 4; AFTM 11-17-1992, Arts. 17, 18, 19, 20; approved ATE 5-18-1993, Questions 1 through 4; AFTM 11-17-1997, Arts. 84 through 91, approved ATE 5-19-1998, Questions 4 through 11; ATM 4-5-2006, Arts. 46 through 52, 54, 56, and 58, approved ATE 5-15-2007, Questions 4 through 13; AFTM 11-13-2012, Arts. 8 through 22, approved ATE 5-21-2013, Questions 3 through 17.]

### GENERAL REFERENCES

Administrative legislation — See Part I of Division 1 of the Code.

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## HOME RULE CHARTER

### Preamble

We, the people of the Town of Falmouth, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendments of the Constitution of the commonwealth, do hereby adopt the following Home Rule Charter for this town.

### Article I

#### **Incorporation, Form of Government and Powers**

##### **§ C1-1 Incorporation.**

The present Town of Falmouth, Massachusetts, within its territorial limits as now or may hereafter be established by law, is hereby continued as a body corporate and politic under the name "Town of Falmouth."

##### **§ C1-2 Scope of town powers.**

The town shall possess, exercise and enjoy all the powers possible under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this Charter.

##### **§ C1-3 Form of government.**

[Amended ATE 5-15-2007, Question 12]

This Charter provides for the Representative Town Meeting/Selectmen/Town Manager form of government, and it shall be known by the title "Falmouth Home Rule Charter."

##### **§ C1-4 Construction of Charter.**

The powers of the Town of Falmouth under this Charter shall be construed liberally in its favor, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers of the town as stated in § C1-2 of this Charter.

##### **§ C1-5 Intergovernmental relations.**

Consistent with any constitutional or statutory provision, the Town of Falmouth may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more municipalities, civil divisions, subdivisions or agencies of the commonwealth, other states or the United States Government.

Article II  
**The Representative Town Meeting**

**§ C2-1 Composition, membership and eligibility.**

- A. A Representative Town Meeting of not more than two hundred fifty-two (252) members shall be elected for three-year overlapping terms. The total number of Town Meeting members shall be fixed by bylaw.
- B. Any registered voter of the town shall be eligible for election to Town Meeting membership.
- C. Town Meeting members shall serve without compensation or monetary allowance.

**§ C2-2 Powers.**

- A. The Town Meeting shall exercise all the legislative powers of the town.
- B. The Town Meeting shall consider, and act upon, all proposed bylaws.
- C. The Town Meeting may adopt rules and regulations relating to its procedures and its methods of operation.

**§ C2-3 Procedures.**

- A. The Town Meeting shall be held annually in the spring, on a date to be fixed by bylaw, to consider and act upon, with or without amendments, all proposed operating and capital improvement budgets, bond issues and all other issues that may properly come before the Meeting.
- B. The Town Meeting shall also meet annually in the fall, on a date chosen by the Board of Selectmen, to consider and act upon matters that may properly come before the Meeting.
- C. The standing and powers of both of these Meetings shall be those of an Annual Town Meeting.
- D. The quorum necessary for the conduct of any business shall be one-half (1/2) plus one (1) of the number of Town Meeting members established by bylaw. A smaller number than the established quorum, however, shall adjourn any Meeting forthwith, to a stated date, time and place.
- E. The Town Meeting shall always operate in open session.

**§ C2-4 Attendance records.**

A record of those in attendance shall be kept by the Town Clerk. Such record shall remain open until the end of each session to enable latecomers to be recorded as present. The attendance record shall be a public record, shall be posted in the Town Hall, and published in the annual town report and published in a newspaper of general circulation within the town.

**§ C2-5 Voting.**

- A. The Town Meeting shall establish a system of recorded votes whereby, upon the request of twenty (20) Town Meeting members, the ayes and nays of members shall be ascertained and recorded. A standing vote or a vote by an electronic vote counting and recording system shall be taken whenever a voice vote is not sufficient as determined by the Moderator.
- B. The results of all such recorded votes shall be included in the Town Meeting minutes.

**§ C2-6 Moderator.**

- A. A Moderator shall be elected as provided in § C4-2.
- B. The Moderator shall preside at all sessions of the Town Meeting and shall have no vote unless the members present and voting are equally divided.

- C. The Moderator shall establish and promulgate written procedures for the orientation of new Town Meeting members and shall conduct an annual meeting at which time said orientation shall take place.

**§ C2-7 Division of town into precincts.**

The town shall be divided into voting precincts which shall contain, as nearly as may be, an equal number of inhabitants and which shall be composed of compact and contiguous territory, as prescribed by General Law.

**§ C2-8 Rights of nonmembers.**

Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of a majority of those present.

**§ C2-9 Compulsory attendance.**

- A. All appointed town officers, the Town Manager, department heads, Chairpersons of multimember bodies or their designated representatives shall attend Town Meeting sessions when the warrant includes articles relating to their office or function. **[Amended ATE 5-15-2007, Question 12]**
- B. Such persons shall have all the privileges of Town Meeting members, except the power to vote unless they have been elected to the office of Town Meeting member. The absence of any such person shall not invalidate the actions of the Town Meeting.

**§ C2-10 Attendance of Town Meeting members.**

Town Meeting members shall attend all sessions of the Town Meeting.

**§ C2-11 Vacancy.**

- A. A vacancy in the office of Town Meeting member shall result from the resignation, death or removal of any member from the town. Any Town Meeting member moving to a new place of residence in another precinct within the town shall continue to serve as Town Meeting member until the next annual election.
- B. A Town Meeting member may resign by filing a written resignation with the Town Clerk. Such resignation shall take effect on the date of filing.
- C. If an elected Town Meeting member fails to attend more than one-half (1/2) of all sessions of the Town Meetings held in an eighteen-month period beginning on June 1, without a reasonable excuse filed with the Town Clerk, the office of that member shall thereupon be declared vacant. The Town Clerk shall be the sole judge of what constitutes a reasonable excuse.
- D. Vacancies in the office of town meeting member shall be filled until the next annual election by the unsuccessful candidate for Town Meeting in that precinct receiving the largest number of votes at the most recent election. If no such unsuccessful candidate exists, the remaining precinct members shall be called together by the Town Clerk, by written notice, before the next Town Meeting. The Town Clerk shall conduct an election, having first publicized any vacancy in accordance with C7-1. The remaining members shall fill any vacancy by choosing a registered voter residing in the precinct in which the vacancy exists. **[Amended ATE 5-21-2013]**

**§ C2-12 Town Meeting committees.**

- A. Motions intended to establish ad hoc or temporary committees shall include the name of the committee and its charge or mandate, its size and composition, whether it shall be elected or appointed, and by what methods, and a date by which said committee is expected to present a progress or final report.
- B. Unless the motion establishing any such committee shall name the members, provide for their election or provide for a different appointive authority, all such committees shall be appointed by the

Moderator.

- C. The Moderator shall establish a standing committee, the Rules and Procedures Committee, of Town Meeting members, to review town meeting rules, procedures and related town by-laws and submit recommendations to Town Meeting. **[Amended ATE 5-21-2013]**

**§ C2-13 Town Clerk.**

- A. The Town Clerk shall serve as the Clerk of Town Meeting and as an ex-officio member of the Rules and Procedures Committee. The Town Clerk shall cause notice of Town Meeting to be posted in the town office building and a public place in each precinct and shall mail copies of the notice, citing the date, place and time of Town Meeting to all Town Meeting members at least ten (10) days before the date of each meeting. The Town Clerk may comply with this section by mailing within the prescribed time the Finance Committee report containing the complete warrant with recommendations and explanations as required by § C8 – 4B of this Charter. **[Amended ATE 5-21-2013]**
- B. The Town Clerk shall keep a detailed journal of all Town Meeting procedures.

**§ C2-14 Watchman of the Warrant.**

**[Amended ATE 5-15-2007, Question 13; ATE 5-21-2013]**

The Moderator, or his designee, shall act as the Watchman of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

### Article III The Board of Selectmen

**§ C3-1 Composition and terms.**

- A. A Board of Selectmen of five (5) members shall be elected for three-year overlapping terms. The regular election for the office of Selectman shall be held in accordance with Article VI.
- B. Vacancies in the office of Selectman shall be filled by special election in accordance with the provisions of MGL c. 41, § 10.
- C. Any compensation for the members of the Board of Selectmen shall be determined by the Representative Town Meeting acting on an annual recommendation of the Finance Committee.

**§ C3-2 General powers.**

Except as otherwise provided in this Charter, all executive powers of the town shall be vested in the Board of Selectmen. It is the intent of this Charter that the Board shall exercise control over town affairs by:

- A. Set and communicate policies to be carried out by the Town Manager, other officers, and governmental bodies appointed by the Board. **[Amended ATE 5-15-2007, Question 12; ATE 5-21-2013]**
- B. Recommending major courses of action to the Town Meeting.
- C. Make recommendations to Town Meeting on all articles except those that are the responsibility of the Finance Committee, the Community Preservation Committee or the Planning Board. **[Amended ATE 5-21-2013]**
- D. Acting on the authorization of the Town Meeting, if no action is taken, the Board of Selectmen report back in a timely manner.

**§ C3-3 Policy leadership.**

- A. The Board shall serve as the chief executive goal-setting and policy-making board of the town. The Board shall set a long-range plan of no less than five (5) years to be examined annually and modified as needed. The Board shall cause the plan to be regularly printed in the Annual Town Report. **[Amended ATE 5-15-2007, Question 8]**
- B. The Board shall hold a joint meeting, at the very least twice per year, with the Planning Board devoted exclusively to consideration of the town's Master Plan and other planning initiatives.
- C. The Board shall issue policy statements setting the outer limits of possible budget expenditures, as provided in § **C8-3C**. Such policy statements shall be binding on all town departments and multimember bodies.

**§ C3-4 (Reserved)**

**§ C3-5 Powers of investigation.**

**[Amended ATE 5-15-2007, Question 12]**

The Board of Selectmen shall have the power to make investigations and may authorize the Town Manager to investigate the affairs of the town and the conduct of any town department, office or agency, including any doubtful claims against the town. For this purpose the investigatory authority may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the annual town report.

**§ C3-6 Powers of appointment.**

- A. The Board shall appoint:
  - (1) A Town Manager, as provided in Article **V**. **[Amended ATE 5-15-2007, Question 12]**
  - (2) A Town Accountant for a term of three (3) years in accordance with MGL c. 41, § 55.
  - (3) Three (3) members of a Board of Registrars.
  - (4) Election officers.
  - (5) Town Constables.
- B. The Board shall also have the power to appoint town boards, as provided in Article **VII**.
- C. The Board shall also have the power to appoint ad hoc committees and to multi-member bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence. Any such committee having a planning function shall coordinate its activities with the Planning Board at least once a year. **[Amended ATE 5-15-2007, Question 9]**

**§ C3-7 Specific powers, administrative duties and responsibilities.**

**[Amended ATE 5-15-2007, Question 9]**

- A. The Board shall not administer the day-to-day operations of the town but shall direct the Town Manager to do so. The Board shall act only as a collective body and members shall possess no individual authority. The Board shall work through the Town Manager when dealing with matters involving department heads or other town employees.
- B. The Board shall act as the licensing authority of the town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose such restrictions as it considers to be in the public interest, and further to enforce, or cause to be enforced, the laws, rules and regulations relating to all

businesses for which it issues licenses.

- C. The Board shall be recognized as head of the town government for all ceremonial purposes.
- D. The Board shall have the power to approve all collective bargaining contracts to which the town is a contracting party.
- E. The Board shall maintain liaison with all boards, commissions and committees and shall mediate disputes among town boards, commissions and committees.
- F. The powers and duties of the former Board of Public Works shall be vested in the Board of Selectmen.
- G. The Selectmen shall publish a copy of the Warrant in a newspaper of general circulation in the town at least four (4) weeks before a Town Meeting and, again, with recommendations by the Finance Committee, Planning Board and Selectmen at least 14 days before a Town Meeting.

**§ C3-8 Prohibitions.**

- A. Except for the purpose of investigation authorized by this Charter, the Board or its members shall deal officially with town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Board nor its members shall give orders to any such officer or employee, either publicly or privately. [**Amended ATE 5-15-2007, Question 12**]
- B. Members of the Board shall be ineligible to serve on multimember bodies established by this Charter or bylaw to which the Board is the appointive authority with the exception of the Economic Development Industrial Corporation.

**Article IV  
Other Elected Town Boards and Officers**

**§ C4-1 General provisions.**

- A. Following the adoption of this Charter, the only officers to be elected shall be a Moderator and a Town Clerk.
- B. Town boards to be elected, in addition to the Board of Selectmen, shall be:
  - (1) A School Committee.
  - (2) A Board of Library Trustees.
  - (3) A Planning Board.
  - (4) A Housing Authority.
  - (5) Such town members of regional districts, multimember bodies and authorities as are now, or may be, established as elective offices by General Law, vote of the Town Meeting or intergovernmental agreement.
- C. Governmental bodies established or continued under this article shall perform their functions and duties in accordance with the Constitution, General Law, this Charter, by-laws and votes of the Representative Town Meeting. They shall organize annually; elect necessary officers; adopt rules of procedure and voting including the development of agendas; maintain minutes and records of attendance, copies of which shall be public records and shall be filed regularly with the Town Clerk. It is the responsibility of each chairperson to file a current description of the duties and responsibilities of the governmental body and its members with the Town Clerk. [**Amended ATE 5-**

**21-2013]**

**§ C4-2 Moderator.**

- A. A Moderator shall be elected at the Annual Town Election for a three-year term.
- B. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.
- C. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in § **C2-12B**.
- D. The Moderator shall preside at any public hearing to discuss the suspension or removal of the Town Manager. [**Amended ATE 5-15-2007, Question 12**]

**§ C4-3 Town Clerk.**

[**Amended ATE 5-15-2007, Question 4**]

- A. A Town Clerk shall be elected at the Annual Town Election for a three-year term.
- B. The Town Clerk shall keep the official records of the town, record vital statistics, issue licenses and shall be the Clerk of the Board of Registrars of Voters. The Clerk shall have the powers and duties of Town Clerks, as provided by General Law, this Charter, bylaw and vote of the Representative Town Meeting.
- C. Compensation for the Town Clerk shall be determined by the Representative Town Meeting acting on an annual recommendation of the Finance Committee.

**§ C4-4 School Committee.**

- A. A School Committee of nine (9) members shall be elected at large for three-year overlapping terms.
- B. The School Committee shall have general charge of all public schools in the town and shall have the powers and duties of school committees, as provided by General Law, this Charter, bylaw and vote of the Representative Town Meeting.

**§ C4-5 Board of Library Trustees.**

- A. A Board of Library Trustees of seven (7) members shall be elected at large for three-year overlapping terms.
- B. The Board shall be responsible for the administration and operation of the town library, including the appointment of a Library Director and other staff, acquisitions and promulgation of library rules and regulations.

**§ C4-6 Planning Board.**

- A. A Planning Board of seven (7) members shall be elected at large for three-year overlapping terms.
- B. The Board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved through the Town Planner, who acts as the Board's Administrator. [**Amended ATE 5-15-2007, Question 5**]
- C. The Planning Board shall be responsible for the development and periodic review of a Master Plan or portions thereof. Such plan may include all or portions of plans developed by other boards or committees, but these inclusions must be approved by a vote of the Planning Board. The Master Plan, also known as the Local Comprehensive Plan, shall be submitted to the Town Meeting and then to the Cape Cod Commission. [**Amended ATE 5-15-2007, Question 5; ATE 5-21-2013**]
- D. Whenever the Planning Board recommends proposed amendments to the Zoning Bylaw, it shall

provide detailed written explanations of its recommendations and the extent to which such recommendations are consistent with the Master Plan.

- E. The Planning Board shall possess and exercise all powers given to it under the Constitution and Laws of the Commonwealth and shall have and exercise such additional powers and duties as may be authorized by the Charter, bylaw or vote of the Town Meeting. It shall also:
- (1) Consult with the Town Manager on the appointment, suspension and removal of the Town Planner. **[Amended ATE 5-15-2007, Question 12; ATE 5-21-2013]**
  - (2) Meet with the Board of Selectmen at least twice a year.
  - (3) Conduct meetings in accordance with the Open Meeting Law.
  - (4) During the term for which a member of the Planning Board is elected and for one (1) year following expiration of such term, no member shall be eligible to accept any paid position with the Planning Board.

**§ C4-7 Housing Authority.**

A Housing Authority shall be established consisting of five (5) members. Four (4) members shall be elected by and from the voters at large, and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth. All members shall serve five-year overlapping terms.

**Article V  
The Town Manager**

**[Amended ATE 5-15-2007, Question 12]**

**§ C5-1 Appointment.**

- A. The Board of Selectmen, by an affirmative vote of at least four (4) members, shall appoint a Town Manager for an indefinite term to serve at its pleasure.
- B. In its search for a Town Manager, the Board of Selectmen shall advertise in the International City Management Association (I.C.M.A.) Newsletter or similar professional publication and in at least two (2) newspapers having statewide or regional circulation.
- C. No person who has held any at-large elective office in the Town of Falmouth at any time during the preceding two (2) years shall be eligible for the position of Town Manager.

**§ C5-2 Qualifications.**

- A. The Town Manager shall be appointed on the basis of educational, executive and administrative qualifications and experience. The educational qualifications shall consist of a master's degree, preferably in public or business administration, granted by an accredited degree-granting college or university. The professional experience shall include at least three (3) years of prior full-time compensated executive service in public or business administration. Alternatively, five (5) years or more of such professional experience and a bachelor's degree in an appropriate discipline shall qualify any applicant. Seven (7) years or more of prior full-time compensated service in public or business administration shall also qualify any applicant.
- B. The Town Manager need not be a resident of the town when appointed but shall establish a place of residence in the Town of Falmouth within eight (8) months of the date of appointment, unless excused by vote of the Board of Selectmen.
- C. The Town Manager shall not be a part of the classified personnel system of the town.

**§ C5-3 Powers and duties.**

- A. The Town Manager shall be the chief administrative officer of the town and shall be responsible for administering and coordinating all employees, activities and departments placed by general law, this charter or bylaw under the control of the Board of Selectmen and the Town Manager. The Manager shall implement the goals and carry out the policies of the Board of Selectmen.
- B. The Manager shall devote full working time to the office and shall neither become a candidate for, or hold, any elective office during the term of appointment nor engage in any business activity during the term, except with the written consent of the Board of Selectmen. The Manager shall:
- (1) Attend all meetings of the Board of Selectmen, except when excused, and shall have the right to speak but not to vote.
  - (2) Assemble, prepare and present to the Board of Selectmen all annual operating and capital budgets of the town and be responsible for the development and annual revision of the capital improvements plan.
  - (3) Administer the budget and ensure that funds appropriated therefor are expended in accordance with General Law, this Charter and bylaw.
  - (4) Inform the Board of Selectmen on all departmental operations, fiscal affairs, general problems and administrative actions, and to this end shall submit periodic reports to the Board.
  - (5) Keep the Board informed on the availability of state and federal funds and how such funds might possibly relate to short-range and long-range needs and goals.
  - (6) Solicit and prepare applications for grants.
  - (7) Be responsible for the purchasing of all supplies, materials and equipment for the town, except those of the School Department and the Town Library, unless so requested, respectively, by the School Committee or the Library Trustees.
  - (8) Be responsible for overseeing the enforcement of zoning, acting through an enforcement agent.
  - (9) Develop, keep and annually update a full and complete inventory of all real and personal property of the town, except school property.
  - (10) Possess the right to attend and speak at any regular meeting of any town multimember body.
  - (11) Negotiate collective bargaining contracts on behalf of the Board of Selectmen, unless the Manager, with the approval of the Board of Selectmen, shall have designated another negotiator or negotiating team. All such contracts shall be subject to the approval of the Board of Selectmen.
  - (12) Perform such other duties as assigned by Charter, bylaw or vote of the Representative Town Meeting or of the Board of Selectmen.

**§ C5-4 Responsibility for appointments.**

- A. Subject to the approval of the Board of Selectmen granted within ten (10) working days, the Town Manager shall appoint on the basis of fitness and merit alone, an Assistant Town Manager, a Town Planner, a Town Counsel, a Finance Director, a Director of Personnel and other department and division heads. The failure of the Board of Selectmen to act within ten (10) working days shall constitute approval of the Town Manager's action. The Town Manager may suspend or remove any person so appointed consistent with the General Laws, this Charter or the by-laws of the Town.  
**[Amended ATE 5-15-2007, Question 10; ATE 5-21-2013]**
- B. Any person appointed to a position enumerated in Subsection A need not be a resident of the town

when appointed but shall establish a place of residence in the Town of Falmouth within eight (8) months of the date of appointment, unless excused by vote of the Board of Selectmen.

- C. Additionally, and except as otherwise mandated by General Law, this Charter, collective bargaining agreement, personnel bylaw or vote of the Town Meeting, the Town Manager shall appoint on the basis of merit and fitness alone and may suspend or remove any appointed town official and full-time or part-time employee. In the case of an employee who reports to a multimember body, any action under this clause shall be taken only after consultation with the multimember body to whom the person reports.

**§ C5-5 Responsibilities in personnel administration.**

- A. The Town Manager, acting through the Director of Personnel, shall administer and enforce collective bargaining contracts, personnel bylaws, rules and regulations adopted by the town.
- B. The Town Manager, acting through the Director of Personnel, shall from time to time propose, and the Board of Selectmen may adopt, with or without amendment, personnel regulations and rules relating to all town positions, except those covered by collective bargaining contracts and those of the School Department. Such regulations shall provide for:
  - (1) The classification of positions, based on duties, responsibilities and authority of each position with adequate provision for reclassification of any position whenever warranted by changed circumstances.
  - (2) Salary and pay plan for all positions subject to Town Meeting vote.
  - (3) Methods of determining the merit and fitness of candidates for appointment and promotion.
  - (4) Policies and procedures regulating reduction in force and removal of employees.
  - (5) Hours of work, attendance regulations and provisions for sick, vacation, military and other leave.
  - (6) Policies and procedures governing persons holding provisional appointments.
  - (7) Policies and procedures governing relationships with employee organizations.
  - (8) Policies regarding in-service training programs.
  - (9) Grievance procedures, including procedures for the hearing of such grievances.
  - (10) Such other practices and procedures as may be necessary for the administration of the personnel system.

**§ C5-6 Administrative organization.**  
**[Amended ATE 5-21-2013]**

- A. The administrative functions of town government shall be performed within the organizational framework of several departments, divisions thereof and other administrative organizations as determined by the Town Manager.
- B. The Town Manager shall determine the functions, duties and responsibilities of departments, divisions and other administrative organizations.
- C. The Town Manager, with the approval of the Board of Selectmen, may directly supervise any department, division and other administrative organization; provided, however, such additional duties shall be performed without additional compensation.

**§ C5-7 Responsibilities for administrative reorganization.**

- A. With the approval of the Board of Selectmen, the Town Manager may establish, reorganize, consolidate or abolish any division, department or position placed by this Charter or vote of the Board of Selectmen under the Manager's direction and supervision, except as otherwise provided by General Law or this Charter.
- B. The creation of any additional permanent, compensated position shall require approval by the affirmative vote of four (4) members of the Board of Selectmen, and such action shall not be effective until the position has been funded by a vote of the Representative Town Meeting.

**§ C5-8 Responsibilities for disbursements.**

Warrants or vouchers for the payment of town funds, prepared and signed by the Town Accountant in accordance with General Law procedures, shall be submitted to the Town Manager. The approval of the Manager on such warrants shall be sufficient authorization for payment by the Treasurer; provided, however, that at least three (3) Selectmen shall approve all warrants in the Town Manager's absence or in the event of a vacancy in the office of Town Manager.

**§ C5-9 Evaluation.**

- A. The Board of Selectmen shall annually evaluate the performance of the Town Manager. The Board shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.
- B. A copy of the evaluation shall be provided to the Town Manager.

**§ C5-10 Removal.**

- A. The Board of Selectmen, by the affirmative vote of at least three (3) members, may initiate the removal of the Town Manager by adopting a resolution to that effect, provided that no such resolution shall be adopted within ninety (90) days following any town election that has resulted in a change in the incumbents on the Board. The resolution shall state the reasons for the proposed removal and shall be adopted only at a regular scheduled public meeting and in open session.
- B. The adoption of said resolution shall serve to suspend the Town Manager for not more than forty-five (45) days, during which the salary shall continue to be paid. A copy of such resolution shall be delivered forthwith to the Town Manager in hand, or sent by registered mail, return receipt requested, to the Manager's place of residence.
- C. Within five (5) days following receipt of such resolution, the Town Manager may file with the Board of Selectmen and the Town Clerk a written request for public hearing. Upon receiving such a request, the Board shall schedule a hearing within two (2) weeks, and it shall be held in a public place. At least seven (7) days prior to the public hearing, the Board shall advertise the hearing in a newspaper of local circulation and shall cause identical notices stating the purpose, location, time and date to be posted in at least four (4) public places in the town.
- D. The Moderator shall preside at any such hearing.
- E. At any such hearing, the reasons for the removal shall first be read aloud. The Town Manager shall have the right to respond, personally or through counsel. The Board of Selectmen and the Town Manager shall have the power to call and cross-examine witnesses and to subpoena any and all town records.
- F. Final removal of any Town Manager shall be effected by the affirmative vote of at least three (3) members of the Board of Selectmen at a public meeting of the Board, the time and place of which are announced, held within seven (7) days of such hearing, if any. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three (3) members, at a meeting of the Board held not earlier than fourteen (14) days after the resolution is adopted initiating the removal. The salary of the Town Manager shall be paid for a period of sixty (60) days after the vote effecting removal from office.

**§ C5-11 Resignation.**

The Town Manager shall provide the Board of Selectmen with at least ninety (90) days' notice of an intended resignation; provided, however, that the Board may shorten or waive such requirement.

**§ C5-12 Filling vacancy.**

When a vacancy arises in the office of the Town Manager, the Board of Selectmen shall advertise the vacancy as soon as possible. The Board shall fill the vacancy as soon as possible, preferably within six (6) months.

**§ C5-13 Acting or Interim Town Manager.**

**[Amended ATE 5-15-2007, Question 11; ATE 5-21-2013]**

- A. The Assistant Town Manager shall perform the duties and responsibilities of the Town Manager during any period when the Town Manager is unable to perform the duties of the office of the Town Manager. If the Assistant Town Manager is also absent or unable to perform, the Board of Selectmen shall designate a competent and qualified person, preferably a town employee, to serve on an acting basis at the will of the board until the Town Manager or the Assistant Town Manager returns to office. No member of the Board of Selectmen shall serve in this capacity. The Board of Selectmen shall make the appointment at a duly noticed open meeting and shall file written notice thereof with the Town Clerk.
- B. The Assistant Town Manager shall perform the duties and responsibilities of the Town Manager during any vacancy in the office of Town Manager. If the Assistant Town Manager is unable to perform, the Board of Selectmen shall designate a competent and qualified person to serve on an interim basis at the will of the board until a permanent Town Manager has been appointed and sworn to the office. No member of the Board of Selectmen shall serve in this capacity. The Board of Selectmen shall make the appointment at a duly noticed open meeting and shall file written notice thereof with the Town Clerk.

**Article VI**

**Citizen Participation: Elections and Recall**

**§ C6-1 Initiative.**

- A. A Special Town Meeting may be called by the Board of Selectmen or shall be called by said Board upon the request, in writing, of at least two hundred (200) registered voters of the town.
- B. By written petition to the Board of Selectmen, any ten (10) voters of the town may secure the inclusion of an article for the warrants of the Annual Town Meeting in the spring and the regular Fall Town Meeting, provided that such petition shall be submitted in compliance with the requirements established by bylaw.
- C. By written petition to the Board of Selectmen, any one hundred (100) voters may secure the inclusion of an article for the warrant of any Special Town Meeting, provided that such petition shall be submitted at least thirty (30) days in advance of the date of such meeting.
- D. The Board may waive the requirements set forth in Subsection C.

**§ C6-2 (Reserved)**

**§ C6-3 (Reserved)**

**§ C6-4 Town elections.**

The regular election for all town offices shall be by official ballot held on a date established by bylaw.

**§ C6-5 Town elections to be nonpartisan.**

All town elections shall be nonpartisan, and election ballots shall be printed without any party mark or designation.

**§ C6-6 Eligibility of town voters.**

Any registered voter of the town shall be eligible for election to any elective office or board of the town; provided, however, that no person shall hold, concurrently, more than one (1) at-large elective office of the town.

**§ C6-7 Ballot position.**

- A. Except as otherwise provided by General Law, the order in which the names of all candidates, including incumbents, appearing on election ballots for any office shall be determined by a drawing, by lot, conducted by the Town Clerk, which shall be open to the public.
- B. Before every election, the Town Clerk shall make available the names and residences of all candidates to be voted for and the form of any questions to be submitted to the voters at such election. Such lists shall be a public record, and the Town Clerk shall cause one (1) copy of the official ballot to be posted in Town Hall and published in a newspaper of general circulation within the town at least one week prior to the election.

**§ C6-8 Time of taking office.**

Any person duly elected to any office or board shall take up the duties of the office on the first business day of the week following the election and following certification of the Town Clerk.

**§ C6-9 Referendum.**

- A. A vote of the Town Meeting under any article in the warrant shall not be operative until the expiration of five (5) days after the final adjournment of the Town Meeting, other than the following:
  - (1) To adjourn.
  - (2) To appropriate money for the payment of principal and interest of bonds and notes of the town.
  - (3) To authorize the temporary borrowing of money in anticipation of revenue.
- B. If within such period of five (5) days a petition signed by not less than five percent (5%) of the registered voters in the town is filed with the Town Clerk asking that any question involved in such a vote be submitted to the voters of the town, then a referendum shall be held for the sole purpose of presenting the question to the voters of the town.
- C. The Town Clerk shall, within one (1) working day of receipt of said petition, submit the petition to the Registrars of Voters in the town, and the Registrars shall within fourteen (14) working days certify thereon the signatures which are names of registered voters. If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall within one (1) working day submit same with a certificate so stating to the Board of Selectmen. The Selectmen shall within seven (7) working days order a special election to be held on a date fixed by them, which shall not be less than sixty (60) nor more than eighty (80) days after the date of the Town Clerk's certificate that a sufficient petition has been filed.
- D. Each question to be voted on in the referendum shall be submitted to the voters in the following form: "Shall the town vote to approve the action of the Representative Town Meeting whereby it was voted that [here insert a brief summary of the substance of the vote]?"
- E. All procedures for voting upon such a question shall be in the same manner as is provided by General Law for the conduct of Special Town Elections.

**§ C6-10 Recall of elective officeholders.**

- A. Any elected officeholder, except Town Meeting members, may be recalled by the voters as herein provided.
- B. One hundred (100) registered voters of the town may file with the Town Clerk an affidavit

containing the name of the officeholder sought to be recalled and a statement of the grounds for recall; provided, however, that not more than twenty-five (25) names shall be from any one (1) precinct of the town.

- C. The Town Clerk shall within one (1) working day of receipt submit the affidavit to the Registrars of Voters in the town, and the Registrars shall within fourteen (14) days certify thereon the signatures which are names of registered voters. If the affidavit shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall thereupon deliver to the ten (10) voters first named on such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms which shall be kept available. The blanks when issued shall be signed by the Town Clerk and shall have the Official Seal attached thereto. They shall be dated and addressed to the Board of Selectmen and shall contain the names of the ten (10) persons to whom they are issued, the number of petitions to be issued, the name of the officeholder whose recall is sought, the grounds for recall as stated in the affidavit and shall require the election of a successor to such office.
- D. The recall petition shall bear the signatures and residential addresses of at least fifteen percent (15%) of the registered voters, no more than twenty-five percent (25%) of which shall be from any one (1) precinct, and shall be returned to the Town Clerk within twenty (20) working days after the filing of the affidavit. The petitions containing the signatures requesting a recall election need not all be submitted at the same time.
- E. The Town Clerk shall within one (1) working day of receipt submit the petition to the Registrars of Voters in the town, and the Registrars shall within fourteen (14) working days certify thereon the number of signatures which are names of registered voters.
- F. If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall submit the same with a certificate so stating to the Board of Selectmen. The Board of Selectmen shall, within three (3) working days, give written notice by registered mail of the receipt of the certificate to the officeholder sought to be recalled.
- G. Unless the officeholder shall have resigned within five (5) days thereafter, the Board of Selectmen shall order a special election to be held on a date fixed by them, which shall be not less than sixty (60) nor more than eighty (80) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety (90) days after the date of the certificate, the Board of Selectmen shall postpone the holding of the special election to the date of such other election.
- H. Any officeholder sought to be removed may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of General Law relating to elections, and the election to replace the officeholder sought to be removed shall be held on the same day and on the same ballot as the recall election.
- I. The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. An incumbent having successfully survived a recall election shall not again be subject to recall until six (6) months after such survival. If recalled, the incumbent shall be deemed removed upon the certification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.
- J. The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed twenty percent (20%) of the registered voters of the town.

- K. No person, having been removed from office by recall or having resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two (2) years following said removal or resignation.

## Article VII Appointed Town Boards

### § C7-1 Publicizing of vacancies on town boards. [Amended ATE 5-21-2013]

- A. Except as otherwise specifically provided, the Board of Selectmen shall be the appointing authority for all governmental bodies. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, and the deadline for receiving applications. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.
- B. In cases where the Moderator is the appointing authority to a governmental body, the Moderator shall follow a procedure similar to the procedure set forth in paragraph A above: provided, however, the Moderator may delegate the function to a duly appointed nominating committee, which shall follow a similar procedure.

### § C7-2 General provisions.

- A. Governmental bodies established in this article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of Town Meeting. [Amended ATE 5-21-2013]
- B. All governmental bodies of the town shall organize annually; elect necessary officers; adopt rules of procedure and voting, including the development of agendas; maintain minutes of meetings and records of attendance, copies of which shall be public record and shall be regularly filed with the Town Clerk. It is the responsibility of each chairperson to file a current description of the duties and responsibilities of the governmental body and its members with the Town Clerk. Governmental bodies may nominate prospective employee(s) of their choice, who shall then be considered for appointment by the Town Manager. All such employees shall be under the day-to-day supervision of the Town Manager. [Amended ATM 4-5-2006, Art. 46; ATE 5-21-2013]
- C. All governmental bodies shall submit a written report to or meet with the Board of Selectmen at least once in each year. [Amended ATE 5-21-2013]
- D. All such boards shall conduct their meetings in accordance with the Open Meeting Law.
- E. During the term for which a member is appointed to a multimember body and for one (1) year following expiration of such term, no member of any appointed board shall be eligible to accept any paid position under any such board.
- F. Any person duly appointed to any such board shall take up the duties of office immediately.
- G. The unexcused absence, without good cause, of a member from one-half (1/2) of the total number of meetings during any twelve-month period or from four (4) or more consecutive meetings of any such board shall serve to vacate the office. When such a vacancy has been created, it shall be filled within thirty (30) days or in accordance with General Law.

- H. No member of a governmental body shall serve more than three (3) consecutive three year terms, except that members of governmental bodies who serve five (5) year terms shall serve for no more than two (2) consecutive five year terms: provided, however, that the appointment of a member to fill an unexpired term of another member shall not be counted in determining this term limitation. **[Amended ATE 5-18-2010, Question 4; ATE 5-21-2013]**

**§ C7-3 Change in composition of appointed boards.**

The Representative Town Meeting may, by bylaw, enlarge or decrease the number of persons to serve as members of appointed town multimember bodies; provided, however, that all such bodies shall always consist of an odd number of members.

**§ C7-4 Appointive authority; term.**

Except as otherwise provided, the boards established in this article shall be appointed by the Board of Selectmen for overlapping three-year terms.

**§ C7-5 Board of Assessors.**

A Board of Assessors of three (3) members shall be appointed.

**§ C7-6 Conservation Commission.**

A Conservation Commission of seven (7) members shall be appointed.

**§ C7-7 Board of Health.**

A Board of Health of five (5) members shall be appointed.

**§ C7-8 Council on Aging.**

**[Amended ATM 4-7-2008, Art. 47, approved 5-20-2008]**

A Council on Aging of nine (9) or more members shall be appointed.

**§ C7-9 (Reserved)**

**§ C7-10 Recreation Committee.**

A. A Recreation Committee of seven (7) members shall be appointed.

B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding comprehensive year-round, indoor-outdoor recreation policies and programs. Such policies and programs shall be designed to meet the recreational needs of children, youth, adults and the elderly.

**§ C7-11 Waterways Committee.**

A Waterways Committee of seven (7) members shall be appointed. Six (6) members shall be appointed by the Board of Selectmen, one (1) member shall be appointed by the Board of Health. The Harbormaster shall serve as a non-voting ex-officio member.

**§ C7-12 Beach Committee.**

A. A Beach Committee of five (5) members shall be appointed.

B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding the use and maintenance of all public town beaches.

**§ C7-13 Human Services Committee.**

A. A Human Services Committee of nine (9) members shall be appointed.

B. The Committee shall be responsible for recommending policies to the Board of Selectmen relating to human services provided by the town.

**§ C7-14 Zoning Board of Appeals.**

**[Amended AFTM 11-13-2008, Art. 8, approved 2-11-2008]**

A Zoning Board of Appeals of five (5) members and two (2) associate members shall be appointed.

§ C7-15 **Falmouth Historic District.**

**[Amended AFTM 11-12-2015, Art.18, approved 2-29-2016]**

A Historical Commission shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 40C, and applicable Town bylaw.

Article VIII

**Financial Provisions and Procedures**

§ C8-1 **Financial planning.**

- A. The Town Manager shall develop and annually revise a long-range general financial plan for the town. The plan shall project anticipated revenues from all sources, provide projections relating to the town's future debt obligations and identify anticipated municipal problems likely to require major expenditures in the future. **[Amended ATE 5-15-2007, Question 12]**
- B. The financial plan shall be reviewed by the Selectmen and Finance Committee and adopted by the Selectmen with or without amendments.

§ C8-2 **Finance Committee.**

- A. A Finance Committee of fifteen (15) members shall be established as provided by bylaw.
- B. No member of the Finance Committee shall be an employee of the town or hold any other elected or appointed town office, except the office of Town Meeting member. Finance Committee members may also sit on advisory boards in a nonvoting capacity.

§ C8-3 **Submission of budget and budget message.**

- A. On or before the first day of October each year, the Town Manager shall request and receive from all financial officers the estimated revenues for the next fiscal year. **[Amended ATE 5-15-2007, Question 12]**
- B. Upon receipt by the financial officers of any additional specific fiscal data provided by the commonwealth or from any other source, such estimates shall be revised, updated and submitted forthwith to the Town Manager. **[Amended ATE 5-15-2007, Question 12]**
- C. On or before the first day of November of each year, the Board of Selectmen, after consulting with the Town Manager, shall issue a policy statement relating to the budget for the next fiscal year. The statement shall establish the outer limits of possible budget growth for the town. **[Amended ATE 5-15-2007, Question 12]**
- D. All department heads and multimember bodies shall submit their budget requests to the Town Manager on or prior to the first day of December each year. The budget request submitted by the School Committee shall be submitted in sufficient time, and in sufficient detail, to enable the Town Manager to assess the probable impact of the School Department's budget upon the total town budget. **[Amended ATE 5-15-2007, Question 12]**
- E. On or prior to the first day of January of each year, the Town Manager shall submit to the Board of Selectmen a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message. **[Amended ATE 5-15-2007, Question 12]**
- F. The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall:
  - (1) Outline the proposed financial policies of the town for the ensuing fiscal year.

- (2) Describe the important features of the budget.
  - (3) Indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes.
  - (4) Summarize the town's debt position.
  - (5) Include such other material as the Town Manager may deem appropriate. [**Amended ATE 5-15-2007, Question 12**]
- G. The budget shall provide a complete financial plan for all town funds and activities in such format as the Finance Committee may suggest, provided the format suggested is compatible with the standards recommended by the State Association of Finance Committees. The budget shall indicate proposed expenditures for both current operations and capital projects during the ensuing fiscal year, detailed by departments, offices, multimember bodies and specific purposes and projects.
- H. The Finance Committee shall annually review the salaries of all elected officials and make recommendations to the Representative Town Meeting. [**Amended ATE 5-15-2007, Question 6**]

**§ C8-4 Action on proposed budget.**

- A. The Board of Selectmen shall within fifteen (15) days adopt the budget, with or without recommendations, and submit it to the Finance Committee on or before the 16th day of January of each year. The Board of Selectmen shall also transmit the budget request of the School Committee to the Finance Committee.
- B. The Finance Committee shall conduct at least one (1) public hearing on the proposed budget and shall issue printed recommendations and detailed explanations on all financial articles in an annual Finance Committee report, which shall be mailed or distributed to the residences of all members of the Representative Town Meeting at least fourteen (14) days prior to any scheduled Town Meeting. In preparing its recommendations, the Committee may require the Town Manager or any town department, office or any multimember body to furnish it with appropriate financial reports and budgetary information. [**Amended ATE 5-15-2007, Question 12**]
- C. The Board of Selectmen shall be responsible for presenting the budget to the Town Meeting.

**§ C8-5 Budget adoption.**

The Representative Town Meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

**§ C8-6 Capital improvements plan.**

- A. The Town Manager shall prepare a five-year capital improvements plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition. [**Amended ATE 5-15-2007, Question 12**]
- B. The capital improvements plan shall be submitted to the Board of Selectmen on or before the 15th day of December of each year. The Board shall act thereon within thirty (30) days and shall then submit it to the Finance Committee, which shall issue its recommendations to the Town Meeting.

**§ C8-7 Notice of public hearing on capital improvements plan.**

The Finance Committee shall publish, in one (1) or more newspapers of general circulation in the town, the general summary of the capital improvements plan and a notice stating:

- A. The time and places where copies of the capital improvements plan are available for inspection.
- B. The date, time and place, not less than seven (7) days following such publication, when the Committee shall conduct a public hearing on said plan. The public hearing shall be conducted at least thirty (30) days prior to the Town Meeting at which the capital budget is acted upon.

**§ C8-8 Collections.**

Except as otherwise provided by General Law or Bylaw, all moneys and fees received by any department, officer or multimember body shall be paid forthwith into the town treasury.

**§ C8-9 Lapse of appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned, after which any funds remaining in the appropriation shall be returned to the general fund by the Town Accountant. The purpose of any such appropriations shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

**§ C8-10 Public records.**

The budget and capital improvements program shall be public records, and copies shall be kept available for inspection at the office of the Town Clerk and at the Falmouth Library.

## Article IX General and Transitional Provisions

**§ C9-1 Enforcement.**

**[Added ATE 5-21-2013]**

- A. Any person who has reason to believe that a town official or governmental body has violated any provision of this charter by action or failure to act may file a written complaint with the Town Clerk, setting forth the circumstances which constitute the alleged violation.
  - (1) The written complaint shall identify the official or governmental body, specify the date and time of the alleged violation and cite the section of the charter allegedly violated.
  - (2) The written complaint shall be filed within six (6) months of the alleged violation. Upon receiving the written complaint, the Town Clerk shall forward a copy thereof to the official or the chairperson of the governmental body with a further copy to the Town Manager and the Board of Selectmen.
- B. The official or chairperson of the governmental body shall file a reply with the Town Clerk.
  - (1) It shall either acknowledge the alleged violation with proposed remedial action if appropriate and feasible, or deny the alleged violation with a statement of reasons therefore.
  - (2) The reply shall be so filed by an official within 30 days of receipt of a copy of the complaint. In the case of a governmental body, its chairperson shall file a reply within thirty (30) days of the receipt of the copy of the complaint or within ten (10) days after the second regularly scheduled meeting of the governmental body following receipt of the copy of the complaint, whichever is greater.
  - (3) The Town Clerk shall forward a copy of the reply to the complainant with a copy of the reply to the Town Manager and the Board of Selectmen.
- C. A complainant who is aggrieved by the reply may pursue any remedy available at law or in equity.

**§ C9-2 Continuation of existing laws.**

Except as specifically provided in this Charter, all General Laws, special laws, town bylaws, votes, rules

and regulations of or pertaining to the town that are not inconsistent with the provisions of this Charter shall continue in full force and effect until amended or rescinded by the course of law or expire by their own limitation.

**§ C9-3 Continuation of government.**

Except as specifically provided in this Charter, all committees, commissions, councils, boards, departments, offices and other agencies of the town shall remain in existence and their incumbents shall continue to perform their duties until not reappointed, reelected or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

**§ C9-4 Continuation of personnel.**

Any person serving in the employment of the town shall retain such position and shall continue to perform the duties unless provisions shall have been made in accordance with this Charter of the performance of the said duties by another person or agency.

**§ C9-5 Transfer of records and property.**

- A. If a power or duty is reassigned in the course of conduct of town affairs, the records, property and equipment necessary to fulfill said power or duty shall likewise be reassigned to the newly responsible office or agency.
- B. Said transfer shall be carried out under the direction of the Town Manager. [**Amended ATE 5-15-2007, Question 12**]

**§ C9-6 Board of Assessors.**

The terms of office of the incumbent members of the Board of Assessors shall continue to their normal expiration. As the term of an incumbent expires, the position shall be filled by appointment for a term of three (3) years, in accordance with § **C7-5**.

**§ C9-7 Board of Health.**

The terms of office of the incumbent members of the Board of Health shall continue to their normal expiration. As the term of an incumbent expires, the position shall be filled by appointment for a term of three (3) years, in accordance with § **C7-7**.

**§ C9-8 Multimember bodies made appointive.**

The terms of office of the incumbent members of the Recreation Committee and the Beach Committee shall all continue to their normal expiration. As the term of each incumbent expires, the position shall be filled by appointment, as provided in Article **VII** of this Charter.

**§ C9-9 Revision of bylaws.**

[**Amended ATE 5-21-2013**]

The Board of Selectmen shall ensure that the town by-laws are reviewed and prepared for any necessary revision or amendment at least every five (5) years.

**§ C9-10 Charter amendment.**

This Charter may be revised or amended in accordance with the procedures made available by Articles 89 and 113 of the amendments to the Constitution of the Commonwealth, commonly known as the "Home Rule Amendment," and MGL c. 43B, commonly known as the "Home Rule Procedures Act."

**§ C9-11 Board discontinued.**

The Board of Public Works in existence on the day this Charter becomes fully effective shall be abolished. The powers and duties of said Board shall be vested in the Board of Selectmen.

**§ C9-12 Definitions.**

- A. Unless another meaning is clearly apparent, from the manner in which the word is used, the following words as used in the Charter shall have the following meanings:

**CERTIFICATION**

That the person has been declared elected and sworn to the faithful performance of duty by the Town Clerk.

**CHARTER**

This Charter and any amendments to it made through any of the methods provided under Articles 89 and 113 of the amendments to the Constitution of the commonwealth.

**FINANCIAL PLAN**

A forecast of revenues and expenditures for a predetermined period of time, including operating and capital categories.

**[Added ATE 5-21-2013]**

**GOVERNMENTAL BODY**

A multi-member board, committee, commission or subcommittee thereof within the Town, however created, elected, appointed or otherwise constituted, and established to serve a public purpose, whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of the Charter apply to all governmental bodies within the Town unless specifically exempted herein.

**[Added ATE 5-21-2013]**

**LONG RANGE PLAN**

A plan developed by the Board of Selectmen sometimes referred to as the Strategic Plan covering areas of importance to the Town.

**[Added ATE 5-21-2013]**

**MAJORITY VOTE**

A majority of those present and voting provided that a quorum of the body is present.

**MASTER PLAN**

The Master Plan, sometimes referred to as the Local Comprehensive Plan, is the community vision of the future of the Town, including issues of growth, economic and community development, historic community character, civic improvements and resource conservation.

**[Added ATE 5-21-2013]**

**MULTI-MEMBER BODY**

Any reference to a multi-member body shall be considered a reference to a governmental body as previously defined.

**[Amended ATE 5-21-2013]**

**TOWN**

The Town of Falmouth.

**TOWN AGENCY**

Any board, commission, committee, department or office of the town government.

## **VOTERS**

Registered voters of the Town of Falmouth.

### **B. Word usage.**

- (1) He/His. The masculine noun and pronouns used in this Charter shall be taken to mean both the masculine and feminine.
- (2) Counting of Days. "Working days" shall include every day, except Saturdays, Sundays and holidays. "Days" shall mean calendar days.

### **§ C9-13 Review of Charter.**

- A. At least every seven (7) years, the Board of Selectmen shall appoint a Charter Review Committee for the purpose of recommending changes to the Charter, based upon active solicitation of suggestions from the public and town officials.
- B. Changes recommended by the Committee shall be the basis for action as deemed appropriate by the Board of Selectmen consistent with the provisions described in § **C9-10** preceding.

## **Attachments:**

[Ca Org Chart](#)